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11 United States of America

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13 IN THE UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

MIGUEL MAGANA MARTINEZ,

Defendant.

CASE NO. 5:23-MJ-00021-CDB

STIPULATION TO CONTINUE PRELIMINARY
HEARING AND EXCLUDE TIME; ORDER
THEREON

18 The parties stipulate as follows:

19 1. The complaint was filed in this district on June 1, 2023, and the defendant made his
20 initial appearance on June 9, 2023. The Court scheduled a preliminary hearing for June 23, 2023.

21 2. The government subsequently produced initial discovery to Mr. Martinez's counsel.

22 3. Pursuant to the parties' agreement, the preliminary hearing was initially continued until
23 August 25, 2023, with an appropriate time exclusion to allow defense reasonable time for preparation.

24 4. The parties now agree to further continue the preliminary hearing until September 22,
25 2023. The parties agree that good cause exists for the extension because the extension is required to
26 allow the defense reasonable time for preparation. The parties also agree that the interests of justice
27 served by granting this continuance outweigh the best interests of the public and the defendant in a
28 speedy trial. Finally, the parties agree that the period from August 25, 2023, through September 22,

1 2023, should be excluded. Fed. R. Crim. P. 5.1(d); 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

2 IT IS SO STIPULATED.

3 Dated: August 1, 2023

4 PHILLIP A. TALBERT
United States Attorney

5 */s/ Joseph Barton*
6 Joseph Barton

7 Assistant United States Attorney

8 Dated: August 1, 2023

9 */s/ David Torres*
10 David Torres

11 Counsel for Miguel Martinez

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10 UNITED STATES OF AMERICA,

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13 MIGUEL MAGANA MARTINEZ,

14 Defendant.
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CASE NO. 5:23-MJ-00021-CDB

ORDER

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18 The Court has read and considered the parties' stipulation to continue the preliminary hearing
19 and exclude time. The Court finds there is good cause for the continuance so as to allow the defense
20 reasonable time for preparation. The Court also finds that the interests of justice served by granting the
21 continuance outweigh the interests of the public and the defendant in a speedy trial. Fed. R. Crim. P.
22 5.1(d); 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

23 Therefore, for good cause shown:

24 1. The preliminary hearing is continued from August 25, 2023, until September 22, 2023, at
25 2:00 p.m. and the defendant shall appear at that time before the Magistrate Judge on duty;
26 and

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2. The period from August 25, 2023, through September 22, 2023, shall be excluded.

IT IS SO ORDERED.

Dated: August 2, 2023

/s/ Eric P. Groj
UNITED STATES MAGISTRATE JUDGE